

### REMARKS

Claims 1-9 have been canceled, claims 1-27 and 29 has been amended and new claims 30-44 have been added. No claims have been canceled by way of this response. Thus, claims 10-44 are currently pending and presented for examination. Applicants respectfully request reconsideration and allowance of the pending claims in view of the foregoing amendments and the following remarks.

#### Response to Objections:

The Examiner has objected to the drawings because the unlabeled rectangular boxes shown in the drawings should be provided with descriptive text labels. Applicants have' amended Figures 1-3 and attached replacement drawing sheets 1/2 and 2/2 to overcome the objection. No new matter is added. Applicants respectfully request the Examiner to withdraw the objections.

#### Response to Double Patenting:

Claims 10, 28 and 29 stand rejected on the ground of nonstatutory obviousnesstype double patenting as being unpatentable over claims 11, 29 and 30 of Copending Application No. 10/510315. A terminal disclaimer was filed in the Copending Application, so the rejections are moot. Applicants respectfully request the Examiner to withdraw the rejections.

#### Response To Rejections Under Section 101:

Claims 10-29 stand rejected under 35 U.S.C. § 101, the Examiner contending that the claimed invention is directed to non-statutory subject matter.

Applicants have amended independent claims 10 and 29 to overcome the rejection. Applicants respectfully request that the Examiner withdraws the Section 101 rejection.

Response to Rejections Under Section 102:

Claims 10-29 stand rejected under 35 U.S.C § 102(e), the Examiner contending that these claims are anticipated by Swales et al. (US 6,321,272).

The Examiner contends that Swales et al. discloses: “a web server (Web server 30 see Fig.2 block 30) comprising software modules (Fig.3 web server module), wherein at least one first software module comprises a first mechanism for implementing an automation functionality (programmable controller use to control the process control system [...])”.

Applicants respectfully disagree with the Examiner’s contention that Swales et al. discloses a web server having a mechanism for implementing an automation functionality. Swales et al. does not teach or suggest that a web server comprises automation functionality. Swales et al. discloses different units for the web server and the programmable controller.

Applicants' Claim 10 recites:

*A web server device comprising software modules, wherein at least one first software module comprises a first mechanism for implementing an automation functionality*

claim 28 recites:

*the web server comprises software modules, wherein a first software module comprises a first mechanism for implementing an automation functionality*

and claim 29 recites:

*a web server comprising software modules, wherein a first software module comprises a first mechanism for implementing an automation functionality*

According to the Invention the web server has an automation functionality. In contrast, Swales et al. teaches to separate the web server from a Programmable Logic Control as shown in:

- Fig. 2, showing the Programmable Logic Controller (32) separate from the Web Server (30)

- Fig. 3, showing the PLC (32) separate from the Web Server Module (30),
- Fig. 4, showing the Programmable Logic Controller (80) separate from the Web Server (90) and the Web Site Server, and
- Fig. 5, showing the Programmable Logic Controller (110) separate from the Web Server (118) and the Web Site Server (114).

Swales et al. neither discloses nor suggests the claimed limitation of an implementation of automation functionality in the web server itself, such that the web server comprises such automation functionality.

In view of the above, claims 10, 28 and 29 are not anticipated by Swales et al. Furthermore, Claims 11-27 which depend on claim 10, claims 30-39 which depend on claim 28, and claims 40-44 which depend on claim 29 are also patentable at least based on their dependence from claim 10, 28 or 29 as well as based on their own merits. Therefore, Applicants respectfully request that the Examiner withdraw the Section 102 rejections.

New Claims:

New claims further define the scope of the invention as described in the specification and drawings. In view of the foregoing remarks regarding the other claims, Applicants respectfully submit claims 30-44 are patentable and requests allowance of claims 10-44.

Conclusion

For the foregoing reasons, it is respectfully submitted that the objections and rejections set forth in the outstanding Office Action are inapplicable to the present claims. All correspondence should continue to be directed to our below-listed address. Accordingly, Applicants respectfully request that the Examiner reconsider the objections and rejections and timely pass the application to allowance. Please grant any extensions of time required to enter this paper. The commissioner is hereby authorized to charge any appropriate fees due in connection with this paper, including fees for additional claims and terminal disclaimer fee, or credit any overpayments to Deposit Account No. 19-2179.

Respectfully submitted,

Dated: June 4, 2008

By: Daniel J. Ryan  
Daniel J. Ryan  
Registration No. 61,232  
(407) 736-6096

Siemens Corporation  
Intellectual Property Department  
170 Wood Avenue South  
Iselin, New Jersey 08830